

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**ROBINSON O. MBAKA,  
Petitioner,**

**vs.**

**JANET A. NAPOLITANO,  
et al.,  
Respondents.**

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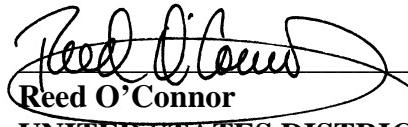
**No. 3:09-CV-1109-O-BH**

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and any objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the undersigned District Judge is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

For the reasons stated in the Findings, Conclusions, and Recommendation, the Court **GRANTS Defendants' Motion to Dismiss**, filed on November 24, 2009,(doc. 12).<sup>1</sup> Although it grants the motion to dismiss, it **TRANSFERS** the action to the Fifth Circuit Court of Appeals as a petition for review pursuant to 28 U.S.C. § 1631 instead of dismissing it.

SO ORDERED this **26th** day of **February, 2010**.

  
**Reed O'Connor**  
**UNITED STATES DISTRICT JUDGE**

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<sup>1</sup> Respondents refer to themselves as "defendants".